

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1183                      Unemployment Compensation Benefits - Military Spouses  
**SPONSOR(S):** Green  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB 1606

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Commerce</u>	<u>20 Y, 0 N</u>	<u>Winker</u>	<u>Billmeier</u>
2) <u>Appropriations</u>	<u>35 Y, 0 N w/CS</u>	<u>Hawkins</u>	<u>Baker</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

The bill revises eligibility for unemployment compensation insurance benefits to include military spouses who terminate their employment to relocate as a result of their military-connected spouse's permanent change of status, station orders, activation orders, or unit deployment orders.

The bill would have a potential fiscal impact of \$6.9 million to the Unemployment Compensation Trust Fund based on an estimate by the Agency for Workforce Innovation (AWI). AWI estimates that approximately 2000 unemployed military spouses could seek Florida unemployment benefits in FY 2004-2005, based on a Department of Defense estimate that 24% of Florida military spouses are unemployed. However, the additional number of spouses who would be eligible under the bill for unemployment benefits by virtue of their military-connected spouses' activation or deployment is unknown. The overall effect of the bill on the Unemployment Compensation Trust Fund would be less than one percent of the annual \$1.2 billion distribution of unemployment compensation benefits.

The bill is effective upon becoming law.

### FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1183c.ap.doc  
**DATE:** March 19, 2004

## I. SUBSTANTIVE ANALYSIS

### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

### B. EFFECT OF PROPOSED CHANGES:

The bill amends s. 443.101, F.S., to provide that military spouses are not disqualified for unemployment insurance (UI) benefits for voluntarily leaving work to relocate as a result of their military-connected spouses' permanent change of station orders, activation orders, or unit deployment orders. The bill would effectively make available unemployment insurance benefits to military spouses that terminate their employment in order to accompany their active-duty spouses, so long as the move is pursuant to the military's permanent change of station orders.

In addition, the bill would enable the spouses of Florida National Guard members and Florida reservists that elect to terminate their employment and relocate pursuant to their spouse's activation or unit deployment orders, to receive unemployment insurance benefits. The amount and duration of benefits would be consistent with existing benefit provisions contained in ch. 443, F.S.

According to representatives with the Agency for Workforce Innovation (AWI), under s. 443.131(3)(a), F.S., individual Florida employers would not be affected for purposes of calculating unemployment insurance rates.

The bill would have a potential fiscal impact of \$6.9 million to the Unemployment Compensation Trust Fund based on an estimate by the AWI. AWI estimates that approximately 2000 unemployed military spouses could seek Florida unemployment benefits in FY 2004-2005, based on a Department of Defense estimate that 24% of Florida military spouses are unemployed.

The additional number of spouses who would be eligible under the bill for unemployment benefits by virtue of their military-connected spouses' activation or deployment is unknown. The overall effect of the bill on the Unemployment Compensation Trust Fund would be less than one percent of the annual \$1.2 billion distribution of unemployment compensation benefits.

The bill takes effect upon becoming law.

### Florida Unemployment Compensation Law

Section 443.101, F.S., provides that an individual is generally disqualified for unemployment insurance (UI) benefits if he or she *voluntarily* terminates his or her employment. More specifically, the section provides:

Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after he or she has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" includes only that

cause attributable to the employing unit or which consists of illness or disability of the individual requiring separation from his or her work.

According to the AWI, the provision disqualifying individuals that voluntarily leave their employment has been interpreted to include military spouses that terminate their employment in order to accompany their active-duty spouses in a relocation pursuant to official military orders. This scenario most commonly occurs when active-duty military personnel receive permanent change of station orders. AWI estimates that approximately 2000 unemployed military spouses could seek Florida unemployment benefits in FY 2004-2005, based on a Department of Defense estimate that 24% of Florida military spouses are unemployed. However, this total does not include individuals who, as a result of their military-connected spouse's "activation" or "deployment," elect to voluntarily terminate their employment and relocate, often to live with other family members.<sup>1</sup> This scenario would include spouses of active-duty personnel, as well as the spouses of National Guard members and reservists.

### **Unemployment Compensation Eligibility in Other States**

Relatively few states have explicit provisions which regard military spouses' loss of employment upon transfer as involuntary. Only one state, Washington, has enacted statutory language specifically addressing the eligibility of relocating military spouses. However, a number of states provide eligibility for reasons that could include the relocation of a military spouse.

The following discussion summarizes unemployment eligibility criteria in selected states where military spouses are generally eligible for benefits:

- Arizona: Compelling personal reasons;
- Kansas: The voluntary or involuntary transfer of a spouse to another location;
- Maine: Necessary to accompany, follow, or join a spouse in a new place of residence;
- Maryland: Cause of necessitous and compelling nature;
- Texas: Leaving was for such urgent, compelling, and necessitous nature as to make separation involuntary; and
- Washington: To locate for the spouse's employment that, due to mandatory military transfer, is outside of the existing labor market, and is in Washington or another state that does not consider such an individual to have left work voluntarily without good cause.

In general, those states that have explicit provisions enabling individuals to receive UI benefits upon loss of employment due to the job-related transfer of a spouse extend such eligibility to "trailing spouses" in general, rather than regarding military spouses as an explicit, unique exception. A number of states, while lacking a codified provision for extending benefits to military spouses, do so on a case-by-case basis. States that do permit military spouses to receive unemployment benefits upon loss of employment due to permanent change of station orders do not charge the employer's unemployment insurance account, and thus do not negatively impact the employer's experience rating for the purposes of establishing UI rates. Because the benefits are not charged against the former employer's account, the employer is not put at risk for a higher UI tax rate the following year.

### **Other Military Spouse Employment Considerations**

Research indicates that a military spouse's ability to gain job skills and maintain a career contributes to the financial well-being of the family, to the spouse's satisfaction with military life, and to military retention and readiness. According to the Department of Defense, more than 70 percent of military spouses are in the labor force, including 87 percent of junior enlisted spouses. The unemployment rate

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<sup>1</sup> Activation or deployment orders differ from PCS orders in that PCS orders apply only to active duty members of the U.S. armed forces. Activation or deployment orders apply primarily to National Guard members or reservists.

for military spouses is approximately 24 percent, four times higher than the civilian unemployment rate, and military spouse earnings are significantly lower than comparably educated civilian spouses.<sup>2</sup>

A major factor in the high unemployment rate experienced by military spouses is the highly-mobile nature of military service. According the Department of Defense, the average military family relocates every 2.9 years, three times more frequently than their civilian counterparts. Research indicates that the following are additional factors underlying the unemployment and underemployment of military spouses: the lack of unemployment compensation; the lack of appropriate job placement assistance; bias among employers; and the geographical impact of military installations on employment opportunities.

Eligibility for unemployment benefits is an issue that resonates strongly with military spouses. Military family advocates maintain that spouse's ineligibility for unemployment compensation often forces them to take any available job in order to avert financial hardship. Additionally, recent Department of Defense analyses found that junior enlisted personnel are reimbursed for relocation costs at an average rate that amounts to roughly one-third of their actual costs. This economic burden routinely results in their spouses favoring *immediate* earnings in the short-term, rather than a properly executed job search that yields more appropriate employment and higher earnings over the long-term. In addition to the obvious disadvantage to the military family's finances, the reduced earnings of military spouses translate to reduced income tax revenues for the state, and where applicable, local governments.

#### C. SECTION DIRECTORY:

Section 1: Amends subsection (1) of s. 443.101, F.S.; relating to disqualification for unemployment compensation benefits; providing that a person is not disqualified for unemployment compensation for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

Section 2: The bill takes effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments below.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

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<sup>2</sup> James Hosek, Rand Corporation, *Married to the Military – The Employment and Earnings of Military Wives Compared to Those of Civilian Wives* (2002).

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments below.

D. FISCAL COMMENTS:

The bill would enable military spouses that terminate their employment and relocate as a result of their military-connected spouse's official military orders to receive unemployment insurance benefits. AWI estimates that approximately 2000 unemployed military spouses could seek Florida unemployment benefits in FY 2004-2005, based on a Department of Defense estimate that 24% of Florida military spouses are unemployed. However, the additional number of spouses who would be eligible for UI benefits by virtue of their military-connected spouses' activation or deployment is unknown.

Pursuant to s. 443.131(3)(a), F.S., individual Florida employers would not be directly affected for purposes of calculating UI rates.

However, the increased benefits would increase the shared costs to the fund, which could minimally affect the adjustment factors used in the tax rate computation. In accordance with current law, when the balance in the Unemployment Compensation Trust fund is below 3.7% of the state's one-year taxable payroll, a positive adjustment factor is automatically triggered in the tax rate computation formula. This factor is designed to maintain stability in the fund and prevent insolvency. Average tax rates increased 18.2 percent January 1, 2004, as a result of this provision, based on the June 30, 2003 trust fund balance.

Based on the current average duration of UI benefits (15 weeks) and the average weekly benefit amount (\$230), the AWI estimates the bill would have a potential fiscal impact of \$6.9 million to the Unemployment Compensation Trust Fund. However, this estimate is limited to individuals who terminate their employment pursuant to their active-duty spouse's permanent change of station orders. The additional costs associated with extending UI benefits to individuals who would be eligible by virtue of their military-connected spouses' activation or deployment (primarily National Guard members and reservists) is unknown.

During 2002-2003, the AWI distributed more than \$1.2 billion in UI benefits.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Agency for Workforce Innovation (AWI) questions whether the effective date of the bill coincides with the date the eligibility determination is made on an unemployment compensation claim, the date the person separated from his or her job, or the date the claim is established. AWI staff recommends that changes in eligibility conditions, such as provided for in the bill, are best made effective with benefit years (new claims) filed on or after a new date. AWI recommends that the bill be amended to reflect that for benefit years filed on or after July 1, 2004, a person is not disqualified for benefits for voluntarily leaving work to relocate due to a spouse's military relocation changes.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 19, 2004, the Committee on Appropriations favorably adopted one amendment. The amendment clarifies that individuals seeking eligibility for unemployment compensation benefits under provisions in the bill must be unemployed on or after July 1, 2004.